

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10309 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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BRIJLAL SANT RAM MEHTA

Versus

DY COLLECTOR & OTHERS

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Appearance:

MR RR MARSHALL for Petitioner

MR HM BHAGAT for Respondents

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CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 04/10/1999

ORAL JUDGEMENT

Rule. Mr. Bhagat waives service of rule for both respondents.

2. The petitioner has filed this petition under Art. 226 of Constitution against the order dt. 31/3/1993 passed by the Deputy Collector, Stamp Duty Valuation Division, Surat and the order dt.11/7/1998 passed by the Chief Controlling Revenue Authority for the State of

Gujarat.

3. The learned advocate for the petitioner submitted that with regard to nearby property situate in the same area, lower stamp duty is accepted for registration. The petitioner seeks to place reliance on the said document Annexure D dt. 5/9/1989. The learned advocate for the respondents pointed out that the petitioner did not produce this document before respondent no.1 or respondent no.2 in appeal. Therefore, the same could not have been considered by the respondent authorities.

4. In the facts and circumstances of the case, the petitioner prays that he may be granted another opportunity to produce the same before the authority concerned. Mr. Bhagat has no objection to the said course of action being adopted.

5. It is, therefore, directed that if the petitioner produces any document for parity, the Deputy Collector, Stamp Duty Valuation Division, Surat shall consider the same in accordance with law and pass appropriate order. If at all, he comes to the conclusion that the order dt. 31/3/1993 is required to be changed, he may pass appropriate order without being influenced by his earlier order or by the order dt. 11/7/1998 passed by the Chief Controlling Revenue Authority. In case, the Deputy Collector, Stamp Duty Valuation Division, Surat comes to the conclusion that no change is required, it will be open for him to pass appropriate order in accordance with law to that effect. In case, no such change is required to be made in the previous order passed by him, both the orders dt. 31/3/1993 and 11/7/1998 shall hold good. The petitioner consents to the aforesaid terms in which this order is passed. Rule is made absolute to the said extent with no order as to costs.

Date: 4/10/1999. ---  
(ccshah)